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09300HB7015ham001

LRB093 18262 DRH 48299 a

1 AMENDMENT TO HOUSE BILL 7015

2 AMENDMENT NO. _____. Amend House Bill 7015 by replacing
3 the title with the following:

4 "AN ACT concerning transportation."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Vehicle Code is amended by
8 changing Sections 4-204, 6-206, and 11-605 and by adding
9 Sections 11-605.1 and 11-605.2 as follows:

10 (625 ILCS 5/4-204) (from Ch. 95 1/2, par. 4-204)

11 Sec. 4-204. Police tows; reports, release of vehicles,
12 payment. When a vehicle is authorized to be towed away as
13 provided in Section 4-202, ~~or 4-203,~~ or 11-605.1:

14 (a) The authorization, any hold order, and any release
15 shall be in writing, or confirmed in writing, with a copy given
16 to the towing service.

17 (b) The police headquarters or office of the law officer
18 authorizing the towing shall keep and maintain a record of the
19 vehicle towed, listing the color, year of manufacture,
20 manufacturer's trade name, manufacturer's series name, body
21 style, Vehicle Identification Number, license plate year and
22 number and registration sticker year and number displayed on
23 the vehicle. The record shall also include the date and hour of

1 tow, location towed from, location towed to, reason for towing
2 and the name of the officer authorizing the tow.

3 (c) The owner, operator, or other legally entitled person
4 shall be responsible to the towing service for payment of
5 applicable removal, towing, storage, and processing charges
6 and collection costs associated with a vehicle towed or held
7 under order or authorization of a law enforcement agency. If a
8 vehicle towed or held under order or authorization of a law
9 enforcement agency is seized by the ordering or authorizing
10 agency or any other law enforcement or governmental agency and
11 sold, any unpaid removal, towing, storage, and processing
12 charges and collection costs shall be paid to the towing
13 service from the proceeds of the sale. If applicable law
14 provides that the proceeds are to be paid into the treasury of
15 the appropriate civil jurisdiction, then any unpaid removal,
16 towing, storage, and processing charges and collection costs
17 shall be paid to the towing service from the treasury of the
18 civil jurisdiction. That payment shall not, however, exceed the
19 amount of proceeds from the sale, with the balance to be paid
20 by the owner, operator, or other legally entitled person.

21 (d) Upon delivery of a written release order to the towing
22 service, a vehicle subject to a hold order shall be released to
23 the owner, operator, or other legally entitled person upon
24 proof of ownership or other entitlement and upon payment of
25 applicable removal, towing, storage, and processing charges
26 and collection costs.

27 (Source: P.A. 89-433, eff. 12-15-95.)

28 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

29 Sec. 6-206. Discretionary authority to suspend or revoke
30 license or permit; Right to a hearing.

31 (a) The Secretary of State is authorized to suspend or
32 revoke the driving privileges of any person without preliminary
33 hearing upon a showing of the person's records or other

1 sufficient evidence that the person:

2 1. Has committed an offense for which mandatory
3 revocation of a driver's license or permit is required upon
4 conviction;

5 2. Has been convicted of not less than 3 offenses
6 against traffic regulations governing the movement of
7 vehicles committed within any 12 month period. No
8 revocation or suspension shall be entered more than 6
9 months after the date of last conviction;

10 3. Has been repeatedly involved as a driver in motor
11 vehicle collisions or has been repeatedly convicted of
12 offenses against laws and ordinances regulating the
13 movement of traffic, to a degree that indicates lack of
14 ability to exercise ordinary and reasonable care in the
15 safe operation of a motor vehicle or disrespect for the
16 traffic laws and the safety of other persons upon the
17 highway;

18 4. Has by the unlawful operation of a motor vehicle
19 caused or contributed to an accident resulting in death or
20 injury requiring immediate professional treatment in a
21 medical facility or doctor's office to any person, except
22 that any suspension or revocation imposed by the Secretary
23 of State under the provisions of this subsection shall
24 start no later than 6 months after being convicted of
25 violating a law or ordinance regulating the movement of
26 traffic, which violation is related to the accident, or
27 shall start not more than one year after the date of the
28 accident, whichever date occurs later;

29 5. Has permitted an unlawful or fraudulent use of a
30 driver's license, identification card, or permit;

31 6. Has been lawfully convicted of an offense or
32 offenses in another state, including the authorization
33 contained in Section 6-203.1, which if committed within
34 this State would be grounds for suspension or revocation;

1 7. Has refused or failed to submit to an examination
2 provided for by Section 6-207 or has failed to pass the
3 examination;

4 8. Is ineligible for a driver's license or permit under
5 the provisions of Section 6-103;

6 9. Has made a false statement or knowingly concealed a
7 material fact or has used false information or
8 identification in any application for a license,
9 identification card, or permit;

10 10. Has possessed, displayed, or attempted to
11 fraudulently use any license, identification card, or
12 permit not issued to the person;

13 11. Has operated a motor vehicle upon a highway of this
14 State when the person's driving privilege or privilege to
15 obtain a driver's license or permit was revoked or
16 suspended unless the operation was authorized by a judicial
17 driving permit, probationary license to drive, or a
18 restricted driving permit issued under this Code;

19 12. Has submitted to any portion of the application
20 process for another person or has obtained the services of
21 another person to submit to any portion of the application
22 process for the purpose of obtaining a license,
23 identification card, or permit for some other person;

24 13. Has operated a motor vehicle upon a highway of this
25 State when the person's driver's license or permit was
26 invalid under the provisions of Sections 6-107.1 and 6-110;

27 14. Has committed a violation of Section 6-301,
28 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
29 of the Illinois Identification Card Act;

30 15. Has been convicted of violating Section 21-2 of the
31 Criminal Code of 1961 relating to criminal trespass to
32 vehicles in which case, the suspension shall be for one
33 year;

34 16. Has been convicted of violating Section 11-204 of

1 this Code relating to fleeing from a peace officer;

2 17. Has refused to submit to a test, or tests, as
3 required under Section 11-501.1 of this Code and the person
4 has not sought a hearing as provided for in Section
5 11-501.1;

6 18. Has, since issuance of a driver's license or
7 permit, been adjudged to be afflicted with or suffering
8 from any mental disability or disease;

9 19. Has committed a violation of paragraph (a) or (b)
10 of Section 6-101 relating to driving without a driver's
11 license;

12 20. Has been convicted of violating Section 6-104
13 relating to classification of driver's license;

14 21. Has been convicted of violating Section 11-402 of
15 this Code relating to leaving the scene of an accident
16 resulting in damage to a vehicle in excess of \$1,000, in
17 which case the suspension shall be for one year;

18 22. Has used a motor vehicle in violating paragraph
19 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
20 the Criminal Code of 1961 relating to unlawful use of
21 weapons, in which case the suspension shall be for one
22 year;

23 23. Has, as a driver, been convicted of committing a
24 violation of paragraph (a) of Section 11-502 of this Code
25 for a second or subsequent time within one year of a
26 similar violation;

27 24. Has been convicted by a court-martial or punished
28 by non-judicial punishment by military authorities of the
29 United States at a military installation in Illinois of or
30 for a traffic related offense that is the same as or
31 similar to an offense specified under Section 6-205 or
32 6-206 of this Code;

33 25. Has permitted any form of identification to be used
34 by another in the application process in order to obtain or

1 attempt to obtain a license, identification card, or
2 permit;

3 26. Has altered or attempted to alter a license or has
4 possessed an altered license, identification card, or
5 permit;

6 27. Has violated Section 6-16 of the Liquor Control Act
7 of 1934;

8 28. Has been convicted of the illegal possession, while
9 operating or in actual physical control, as a driver, of a
10 motor vehicle, of any controlled substance prohibited
11 under the Illinois Controlled Substances Act or any
12 cannabis prohibited under the provisions of the Cannabis
13 Control Act, in which case the person's driving privileges
14 shall be suspended for one year, and any driver who is
15 convicted of a second or subsequent offense, within 5 years
16 of a previous conviction, for the illegal possession, while
17 operating or in actual physical control, as a driver, of a
18 motor vehicle, of any controlled substance prohibited
19 under the provisions of the Illinois Controlled Substances
20 Act or any cannabis prohibited under the Cannabis Control
21 Act shall be suspended for 5 years. Any defendant found
22 guilty of this offense while operating a motor vehicle,
23 shall have an entry made in the court record by the
24 presiding judge that this offense did occur while the
25 defendant was operating a motor vehicle and order the clerk
26 of the court to report the violation to the Secretary of
27 State;

28 29. Has been convicted of the following offenses that
29 were committed while the person was operating or in actual
30 physical control, as a driver, of a motor vehicle: criminal
31 sexual assault, predatory criminal sexual assault of a
32 child, aggravated criminal sexual assault, criminal sexual
33 abuse, aggravated criminal sexual abuse, juvenile pimping,
34 soliciting for a juvenile prostitute and the manufacture,

1 sale or delivery of controlled substances or instruments
2 used for illegal drug use or abuse in which case the
3 driver's driving privileges shall be suspended for one
4 year;

5 30. Has been convicted a second or subsequent time for
6 any combination of the offenses named in paragraph 29 of
7 this subsection, in which case the person's driving
8 privileges shall be suspended for 5 years;

9 31. Has refused to submit to a test as required by
10 Section 11-501.6 or has submitted to a test resulting in an
11 alcohol concentration of 0.08 or more or any amount of a
12 drug, substance, or compound resulting from the unlawful
13 use or consumption of cannabis as listed in the Cannabis
14 Control Act, a controlled substance as listed in the
15 Illinois Controlled Substances Act, or an intoxicating
16 compound as listed in the Use of Intoxicating Compounds
17 Act, in which case the penalty shall be as prescribed in
18 Section 6-208.1;

19 32. Has been convicted of Section 24-1.2 of the
20 Criminal Code of 1961 relating to the aggravated discharge
21 of a firearm if the offender was located in a motor vehicle
22 at the time the firearm was discharged, in which case the
23 suspension shall be for 3 years;

24 33. Has as a driver, who was less than 21 years of age
25 on the date of the offense, been convicted a first time of
26 a violation of paragraph (a) of Section 11-502 of this Code
27 or a similar provision of a local ordinance;

28 34. Has committed a violation of Section 11-1301.5 of
29 this Code;

30 35. Has committed a violation of Section 11-1301.6 of
31 this Code;

32 36. Is under the age of 21 years at the time of arrest
33 and has been convicted of not less than 2 offenses against
34 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or
2 suspension shall be entered more than 6 months after the
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of
5 Section 11-907 of this Code;

6 38. Has been convicted of a violation of Section 6-20
7 of the Liquor Control Act of 1934 or a similar provision of
8 a local ordinance; ~~or~~

9 39. Has committed a second or subsequent violation of
10 Section 11-1201 of this Code; or.

11 40. Has committed a second or subsequent violation of
12 Section 11-605.1 of this Code, in which case the suspension
13 shall be for not less than 90 days.

14 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
15 and 27 of this subsection, license means any driver's license,
16 any traffic ticket issued when the person's driver's license is
17 deposited in lieu of bail, a suspension notice issued by the
18 Secretary of State, a duplicate or corrected driver's license,
19 a probationary driver's license or a temporary driver's
20 license.

21 (b) If any conviction forming the basis of a suspension or
22 revocation authorized under this Section is appealed, the
23 Secretary of State may rescind or withhold the entry of the
24 order of suspension or revocation, as the case may be, provided
25 that a certified copy of a stay order of a court is filed with
26 the Secretary of State. If the conviction is affirmed on
27 appeal, the date of the conviction shall relate back to the
28 time the original judgment of conviction was entered and the 6
29 month limitation prescribed shall not apply.

30 (c) 1. Upon suspending or revoking the driver's license or
31 permit of any person as authorized in this Section, the
32 Secretary of State shall immediately notify the person in
33 writing of the revocation or suspension. The notice to be
34 deposited in the United States mail, postage prepaid, to

1 the last known address of the person.

2 2. If the Secretary of State suspends the driver's
3 license of a person under subsection 2 of paragraph (a) of
4 this Section, a person's privilege to operate a vehicle as
5 an occupation shall not be suspended, provided an affidavit
6 is properly completed, the appropriate fee received, and a
7 permit issued prior to the effective date of the
8 suspension, unless 5 offenses were committed, at least 2 of
9 which occurred while operating a commercial vehicle in
10 connection with the driver's regular occupation. All other
11 driving privileges shall be suspended by the Secretary of
12 State. Any driver prior to operating a vehicle for
13 occupational purposes only must submit the affidavit on
14 forms to be provided by the Secretary of State setting
15 forth the facts of the person's occupation. The affidavit
16 shall also state the number of offenses committed while
17 operating a vehicle in connection with the driver's regular
18 occupation. The affidavit shall be accompanied by the
19 driver's license. Upon receipt of a properly completed
20 affidavit, the Secretary of State shall issue the driver a
21 permit to operate a vehicle in connection with the driver's
22 regular occupation only. Unless the permit is issued by the
23 Secretary of State prior to the date of suspension, the
24 privilege to drive any motor vehicle shall be suspended as
25 set forth in the notice that was mailed under this Section.
26 If an affidavit is received subsequent to the effective
27 date of this suspension, a permit may be issued for the
28 remainder of the suspension period.

29 The provisions of this subparagraph shall not apply to
30 any driver required to obtain a commercial driver's license
31 under Section 6-507 during the period of a disqualification
32 of commercial driving privileges under Section 6-514.

33 Any person who falsely states any fact in the affidavit
34 required herein shall be guilty of perjury under Section

1 6-302 and upon conviction thereof shall have all driving
2 privileges revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118
4 of this Code, the Secretary of State shall either rescind
5 or continue an order of revocation or shall substitute an
6 order of suspension; or, good cause appearing therefor,
7 rescind, continue, change, or extend the order of
8 suspension. If the Secretary of State does not rescind the
9 order, the Secretary may upon application, to relieve undue
10 hardship, issue a restricted driving permit granting the
11 privilege of driving a motor vehicle between the
12 petitioner's residence and petitioner's place of
13 employment or within the scope of his employment related
14 duties, or to allow transportation for the petitioner, or a
15 household member of the petitioner's family, to receive
16 necessary medical care and if the professional evaluation
17 indicates, provide transportation for alcohol remedial or
18 rehabilitative activity, or for the petitioner to attend
19 classes, as a student, in an accredited educational
20 institution; if the petitioner is able to demonstrate that
21 no alternative means of transportation is reasonably
22 available and the petitioner will not endanger the public
23 safety or welfare.

24 If a person's license or permit has been revoked or
25 suspended due to 2 or more convictions of violating Section
26 11-501 of this Code or a similar provision of a local
27 ordinance or a similar out-of-state offense, arising out of
28 separate occurrences, that person, if issued a restricted
29 driving permit, may not operate a vehicle unless it has
30 been equipped with an ignition interlock device as defined
31 in Section 1-129.1.

32 If a person's license or permit has been revoked or
33 suspended 2 or more times within a 10 year period due to a
34 single conviction of violating Section 11-501 of this Code

1 or a similar provision of a local ordinance or a similar
2 out-of-state offense, and a statutory summary suspension
3 under Section 11-501.1, or 2 or more statutory summary
4 suspensions, or combination of 2 offenses, or of an offense
5 and a statutory summary suspension, arising out of separate
6 occurrences, that person, if issued a restricted driving
7 permit, may not operate a vehicle unless it has been
8 equipped with an ignition interlock device as defined in
9 Section 1-129.1. The person must pay to the Secretary of
10 State DUI Administration Fund an amount not to exceed \$20
11 per month. The Secretary shall establish by rule the amount
12 and the procedures, terms, and conditions relating to these
13 fees. If the restricted driving permit was issued for
14 employment purposes, then this provision does not apply to
15 the operation of an occupational vehicle owned or leased by
16 that person's employer. In each case the Secretary may
17 issue a restricted driving permit for a period deemed
18 appropriate, except that all permits shall expire within
19 one year from the date of issuance. The Secretary may not,
20 however, issue a restricted driving permit to any person
21 whose current revocation is the result of a second or
22 subsequent conviction for a violation of Section 11-501 of
23 this Code or a similar provision of a local ordinance
24 relating to the offense of operating or being in physical
25 control of a motor vehicle while under the influence of
26 alcohol, other drug or drugs, intoxicating compound or
27 compounds, or any similar out-of-state offense, or any
28 combination of those offenses, until the expiration of at
29 least one year from the date of the revocation. A
30 restricted driving permit issued under this Section shall
31 be subject to cancellation, revocation, and suspension by
32 the Secretary of State in like manner and for like cause as
33 a driver's license issued under this Code may be cancelled,
34 revoked, or suspended; except that a conviction upon one or

1 more offenses against laws or ordinances regulating the
2 movement of traffic shall be deemed sufficient cause for
3 the revocation, suspension, or cancellation of a
4 restricted driving permit. The Secretary of State may, as a
5 condition to the issuance of a restricted driving permit,
6 require the applicant to participate in a designated driver
7 remedial or rehabilitative program. The Secretary of State
8 is authorized to cancel a restricted driving permit if the
9 permit holder does not successfully complete the program.

10 (c-5) The Secretary of State may, as a condition of the
11 reissuance of a driver's license or permit to an applicant
12 whose driver's license or permit has been suspended before he
13 or she reached the age of 18 years pursuant to any of the
14 provisions of this Section, require the applicant to
15 participate in a driver remedial education course and be
16 retested under Section 6-109 of this Code.

17 (d) This Section is subject to the provisions of the
18 Drivers License Compact.

19 (e) The Secretary of State shall not issue a restricted
20 driving permit to a person under the age of 16 years whose
21 driving privileges have been suspended or revoked under any
22 provisions of this Code.

23 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
24 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
25 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

26 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

27 Sec. 11-605. Special speed limit while passing schools ~~or~~
28 ~~while traveling through highway construction or maintenance~~
29 ~~zones.~~

30 (a) For the purpose of this Section, "school" means the
31 following entities:

32 (1) A public or private primary or secondary school.

33 (2) A primary or secondary school operated by a

1 religious institution.

2 (3) A public, private, or religious nursery school.

3 On a school day when school children are present and so
4 close thereto that a potential hazard exists because of the
5 close proximity of the motorized traffic, no person shall drive
6 a motor vehicle at a speed in excess of 20 miles per hour while
7 passing a school zone or while traveling on a roadway on public
8 school property or upon any public thoroughfare where children
9 pass going to and from school.

10 For the purpose of this Section a school day shall begin at
11 seven ante meridian and shall conclude at four post meridian.

12 This Section shall not be applicable unless appropriate
13 signs are posted upon streets and highways under their
14 respective jurisdiction and maintained by the Department,
15 township, county, park district, city, village or incorporated
16 town wherein the school zone is located. With regard to the
17 special speed limit while passing schools, such signs shall
18 give proper due warning that a school zone is being approached
19 and shall indicate the school zone and the maximum speed limit
20 in effect during school days when school children are present.

21 (b) (Blank). ~~No person shall operate a motor vehicle in a~~
22 ~~construction or maintenance zone at a speed in excess of the~~
23 ~~posted speed limit when workers are present and so close to the~~
24 ~~moving traffic that a potential hazard exists because of the~~
25 ~~motorized traffic.~~

26 (c) Nothing in this Chapter shall prohibit the use of
27 electronic speed-detecting devices within 500 feet of signs
28 within a special school speed zone ~~or a construction or~~
29 ~~maintenance zone~~ indicating such zone, as defined in this
30 Section, nor shall evidence obtained thereby be inadmissible in
31 any prosecution for speeding provided the use of such device
32 shall apply only to the enforcement of the speed limit in such
33 special school speed zone ~~or a construction or maintenance~~
34 ~~zone.~~

1 (d) (Blank). ~~For the purpose of this Section, a~~
2 ~~construction or maintenance zone is an area in which the~~
3 ~~Department, Toll Highway Authority, or local agency has~~
4 ~~determined that the preexisting established speed limit~~
5 ~~through a highway construction or maintenance project is~~
6 ~~greater than is reasonable or safe with respect to the~~
7 ~~conditions expected to exist in the construction or maintenance~~
8 ~~zone and has posted a lower speed limit with a highway~~
9 ~~construction or maintenance zone special speed limit sign.~~

10 ~~Highway construction or maintenance zone special speed~~
11 ~~limit signs shall be of a design approved by the Department.~~
12 ~~The signs shall give proper due warning that a construction or~~
13 ~~maintenance zone is being approached and shall indicate the~~
14 ~~maximum speed limit in effect. The signs shall also state the~~
15 ~~amount of the minimum fine for a violation when workers are~~
16 ~~present.~~

17 (e) A first violation of this Section is a petty offense
18 with a minimum fine of \$150. A second or subsequent violation
19 of this Section is a petty offense with a minimum fine of \$300.

20 (f) When a fine for a violation of subsection (a) is \$150
21 or greater, the person who violates subsection (a) shall be
22 charged an additional \$50 to be paid to the unit school
23 district where the violation occurred for school safety
24 purposes. If the violation occurred in a dual school district,
25 \$25 of the surcharge shall be paid to the elementary school
26 district for school safety purposes and \$25 of the surcharge
27 shall be paid to the high school district for school safety
28 purposes. Notwithstanding any other provision of law, the
29 entire \$50 surcharge shall be paid to the appropriate school
30 district or districts.

31 For purposes of this subsection (f), "school safety
32 purposes" includes the costs associated with school zone safety
33 education and the purchase, installation, and maintenance of
34 caution lights which are mounted on school speed zone signs.

1 (g) (Blank). ~~When a fine for a violation of subsection (b)~~
2 ~~is \$150 or greater, the person who violates subsection (b)~~
3 ~~shall be charged an additional \$50. The \$50 surcharge shall be~~
4 ~~deposited into the Transportation Safety Highway Hire-back~~
5 ~~Fund.~~

6 (h) (Blank). ~~The Transportation Safety Highway Hire-back~~
7 ~~Fund is created as a special fund in the State treasury.~~
8 ~~Subject to appropriation by the General Assembly and approval~~
9 ~~by the Secretary, the Secretary of Transportation shall use all~~
10 ~~moneys in the Transportation Safety Highway Hire-back Fund to~~
11 ~~hire off-duty Department of State Police officers to monitor~~
12 ~~construction or maintenance zones.~~

13 (Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02; 92-619,
14 eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)

15 (625 ILCS 5/11-605.1 new)

16 Sec. 11-605.1. Special limit while traveling through a
17 highway construction or maintenance speed zone.

18 (a) A person may not operate a motor vehicle in a
19 construction or maintenance speed zone at a speed in excess of
20 the posted speed limit.

21 (b) Nothing in this Chapter prohibits the use of electronic
22 speed-detecting devices within 500 feet of signs within a
23 construction or maintenance speed zone indicating the zone, as
24 defined in this Section, nor shall evidence obtained by use of
25 those devices be inadmissible in any prosecution for speeding,
26 provided the use of the device shall apply only to the
27 enforcement of the speed limit in the construction or
28 maintenance speed zone.

29 (c) As used in this Section, a "construction or maintenance
30 speed zone" is an area in which the Department, Toll Highway
31 Authority, or local agency has determined that the preexisting
32 established speed limit through a highway construction or
33 maintenance project is greater than is reasonable or safe with

1 respect to the conditions expected to exist in the construction
2 or maintenance speed zone and has posted a lower speed limit
3 with a highway construction or maintenance speed zone special
4 speed limit sign.

5 Highway construction or maintenance speed zone special
6 speed limit signs shall be of a design approved by the
7 Department. The signs must give proper due warning that a
8 construction or maintenance speed zone is being approached and
9 must indicate the maximum speed limit in effect. The signs also
10 must state the amount of the minimum fine for a violation.

11 (d) Except as provided under subsection (e), a first
12 violation of this Section is a petty offense with a minimum
13 fine of \$375. A second or subsequent violation of this Section
14 is a petty offense with a minimum fine of \$750.

15 (e) Whenever a police officer determines that a person
16 committed a violation of this Section by traveling 20 miles per
17 hour or more in excess of the posted construction or
18 maintenance speed zone speed limit, the officer may immediately
19 arrest and take into custody that person and may cause the
20 removal of the motor vehicle used in that offense. The motor
21 vehicle will be removed by a towing service, as authorized by a
22 law enforcement agency having jurisdiction, or by another
23 licensed driver having permission of the registered owner to
24 operate the motor vehicle.

25 A person who drives a vehicle within a construction or
26 maintenance speed zone at a speed that is 20 miles per hour or
27 more in excess of the posted construction or maintenance speed
28 zone speed limit commits a Class A misdemeanor.

29 (f) If a fine for a violation of this Section is \$375 or
30 greater, the person who violated this Section shall be charged
31 an additional \$125, which shall be deposited into the
32 Transportation Safety Highway Hire-back Fund. In the case of a
33 second or subsequent violation of this Section, if the fine is
34 \$750 or greater, the person who violated this Section shall be

1 charged an additional \$250, which shall be deposited into the
2 Transportation Safety Highway Hire-back Fund.

3 (g) The Transportation Safety Highway Hire-back Fund,
4 which was created by Public Act 92-619, shall continue to be a
5 special fund in the State treasury. Subject to appropriation by
6 the General Assembly and approval by the Secretary, the
7 Secretary of Transportation shall use all moneys in the
8 Transportation Safety Highway Hire-back Fund to hire off-duty
9 Department of State Police officers to monitor construction or
10 maintenance zones.

11 (h) For a second or subsequent violation of this Section,
12 the Secretary of State shall suspend the driver's license of
13 the violator for a period of not less than 90 days.

14 (625 ILCS 5/11-605.2 new)

15 Sec. 11-605.2. Automated construction or maintenance speed
16 zone enforcement system.

17 (a) As used in this Section, an "automated construction or
18 maintenance speed zone enforcement system" is a system operated
19 by the Illinois State Police in cooperation with the Illinois
20 Department of Transportation or the Illinois State Toll Highway
21 Authority that records a driver's speed in a construction or
22 maintenance speed zone as defined in Section 11-605.1.

23 (b) The Illinois State Police, in cooperation with the
24 Illinois Department of Transportation or the Illinois State
25 Toll Highway Authority, may operate an automated construction
26 or maintenance speed zone enforcement system on highways under
27 the jurisdiction of the Illinois Department of Transportation
28 or the Toll Highway Authority.

29 (c) For each violation of Section 11-605.1 recorded by an
30 automated construction or maintenance speed zone enforcement
31 system, the Illinois State Police shall issue a written Uniform
32 Traffic Citation of the violation to the registered owner of
33 the vehicle as the alleged violator.

1 The Uniform Traffic Citation shall be delivered to the
2 registered owner of the vehicle, by mail, within 30 days of the
3 violation. The Uniform Traffic Citation shall include the name
4 and address of vehicle owner, the vehicle registration number,
5 the offense charged, the time, date, and location of the
6 violation, the first available court date, and a statement
7 indicating that the basis of the citation is the photograph or
8 other recorded image from the automated construction or
9 maintenance speed zone enforcement system.

10 (d) The Uniform Traffic Citation issued to the registered
11 owner of the vehicle shall be accompanied by a written notice,
12 the contents of which is set forth in subsection (e) of this
13 Section, explaining how the registered owner of the vehicle can
14 elect to proceed by either paying the fine or challenging the
15 issuance of the Uniform Traffic Citation.

16 (e) The written notice explaining the alleged violator's
17 rights and obligations must include the following text:

18 "You have been served with the accompanying Uniform Traffic
19 Citation and cited with having violated Section 11-605.1 of the
20 Illinois Vehicle Code. You can elect to proceed by:

21 1. paying the fine;

22 2. challenging the issuance of the Uniform Traffic
23 Citation in court; or

24 3. if you were not the operator of the vehicle at the
25 time of the alleged offense, notifying in writing the
26 Illinois State Police of the number of the Uniform Traffic
27 Citation received and the name, driver's license number,
28 and address of the person operating the vehicle at the time
29 of the alleged offense. If you fail to so notify in writing
30 the Illinois State Police of the name, driver's license
31 number, and address of the person operating the vehicle at
32 the time of the alleged offense, you shall be presumed to
33 have been the operator of the vehicle at the time of the
34 alleged offense."

1 (f) If the registered owner of the vehicle was not the
2 operator of the vehicle at the time of the alleged offense, and
3 if the registered owner notifies the Illinois State Police of
4 the name, driver's license number, and address of the operator
5 of the vehicle at the time of the alleged offense, the Illinois
6 State Police shall then issue a written Uniform Traffic
7 Citation to the person alleged by the registered owner to have
8 been the operator of the vehicle at the time of the alleged
9 offense. If the registered owner fails to notify in writing the
10 Illinois State Police of the name, driver's license number, and
11 address of the operator of the vehicle at the time of the
12 alleged offense, the registered owner shall be presumed to have
13 been the operator of the vehicle at the time of the alleged
14 offense.

15 (g) A certificate alleging that a violation of Section
16 11-605.1 occurred, sworn to or affirmed by a duly authorized
17 agency, based on inspection of recorded images produced by an
18 automated construction or maintenance speed zone enforcement
19 system, is evidence of the facts contained in the certificate
20 and is admissible in any proceeding alleging a violation under
21 this Section.

22 (h) Photographs or recorded images made by an automated
23 construction or maintenance speed zone enforcement system are
24 confidential and shall be made available only to the alleged
25 violator and government and law enforcement agencies for
26 purposes of adjudicating a violation of Section 11-605.1 of
27 this Code. Any photograph or other recorded image evidencing a
28 violation of Section 11-605.1, however, is admissible in any
29 proceeding resulting from the issuance of the Uniform Traffic
30 Citation if there is reasonable and sufficient proof of the
31 accuracy of the camera or electronic instrument recording the
32 image. There is a rebuttable presumption that the photograph or
33 recorded image is accurate if the camera or electronic
34 recording instrument was in good working order before and after

1 the alleged offense.

2 (i) If any part or parts of this Section are held by a
3 court of competent jurisdiction to be unconstitutional, the
4 unconstitutionality shall not affect the validity of the
5 remaining parts of this Section. The General Assembly hereby
6 declares that it would have passed the remaining parts of this
7 Section if it had known that the other part or parts of this
8 Section would be declared unconstitutional.

9 (j) Except as provided in subsection (e) of Section
10 11-605.1, violation of Section 11-605.1 as detected by an
11 automated construction or maintenance speed zone enforcement
12 system is a petty offense for which a fine of \$375 shall be
13 imposed for a first violation and a fine of \$750 shall be
14 imposed for a second of subsequent violation.

15 (k) If a fine for a violation of Section 11-605.1 is \$375
16 or greater, the person who violated Section 11-605.1 shall be
17 charged an additional \$125, which shall be deposited into the
18 Transportation Safety Highway Hire-back Fund. In the case of a
19 second or subsequent violation of Section 11-605.1, if the fine
20 for the violations is \$750 or greater, the person who violated
21 Section 11-605.1 shall be charged an additional \$250, which
22 shall be deposited into the Transportation Safety Highway
23 Hire-back Fund.

24 (l) For a second or subsequent violation of Section
25 11-605.1, the Secretary of State shall suspend the driver's
26 license of the violator for a period of not less than 90 days.

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.".